

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-6958

RICHARD THOMAS VESCUSO,

Plaintiff - Appellant,

versus

T. T. REDMAN; CAPTAIN HOLLOWAY; SERGEANT
SPROUSE; SERGEANT DAWSON; SERGEANT R.S.
JOHNSON; SERGEANT TALBERT; SERGEANT STONE; C/O
IRVIN; C/O PAINTER; C/O CAMPBELL; C/O MATTOX,

Defendants - Appellees,

and

RON ANGELONE; L. M. SAUNDERS; L. R. DAY; JACK
LEE; C/O COOK,

Defendants.

Appeal from the United States District Court for the Western Dis-
trict of Virginia, at Roanoke. Samuel G. Wilson, Chief District
Judge. (CA-96-903-R, CA-96-884-R)

Submitted: December 17, 1998

Decided: January 5, 1999

Before WILKINS, NIEMEYER, and TRAXLER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Richard Thomas Vescuso, Appellant Pro Se. Mark Ralph Davis, OFFICE
OF THE ATTORNEY GENERAL OF VIRGINIA, Richmond, Virginia, for
Appellees.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Richard Thomas Vescuso appeals the district court's orders in his excessive force suit, granting judgment as a matter of law to most Defendants and entering the jury verdict in favor of the remaining Defendants. The record does not contain a transcript of the trial. Vescuso has the burden of including in the record on appeal a transcript of all parts of the proceedings material to the issues raised on appeal. See Fed. R. App. P. 10(b); 4th Cir. Local R. 10(c). Appellants proceeding on appeal in forma pauperis are entitled to transcripts at government expense only in certain circumstances. See 28 U.S.C. § 753(f) (1994). By failing to produce a transcript or to qualify for the production of a transcript at government expense, Vescuso has waived review of the issues on appeal which depend upon the transcript to show error. Powell v. Estelle, 959 F.2d 22, 26 (5th Cir. 1992); Keller v. Prince George's Co., 827 F.2d 952, 954 n.1 (4th Cir. 1987). We have reviewed the record before the court and the district court's opinion granting judgment as a matter of law and find no reversible error. We therefore affirm the district court's orders. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED